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SUBJECT: ACTION REQUEST: SIXTH COMMITTEE DRAFT RESOLUTION
ON TRANSBOUNDARY HARM FROM HAZARDOUS ACTIVITIES

¶1. ACTION REQUEST: USUN requests instructions from the Department to join consensus on the Sixth Committee's draft resolution on the consideration of prevention of transboundary harm from hazardous activities and the allocation of loss in the case of such harm (agenda item 84) contained in para 3, or substantially similar text. The text of all draft resolutions must be tabled before the Sixth Committee by November 9. USUN expects the Sixth Committee to take action on draft resolutions shortly thereafter. USUN point of contact for this resolution is James Donovan, (212) 415-4300, DonovanJB@state.gov. END ACTION REQUEST.

¶2. BACKGROUND/COMMENT: The text for this year's resolution is largely the same as last year's text. One difference is that the issue will take a three-year hiatus and will not be on the agenda of the Sixth Committee until its sixty-fifth session. END BACKGROUND/COMMENT.

¶3. Text of draft resolution on the consideration of prevention of transboundary harm from hazardous activities and the allocation of loss from such harm:

BEGIN TEXT:

Sixty-second session
Sixth Committee
Agenda Item: 84

Draft Resolution
Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm

The General Assembly,

Recalling that the International Law Commission at its fifty-third session completed the draft articles on prevention of transboundary harm from hazardous activities and recommended to the General Assembly the elaboration of a convention on the basis of the draft articles,

Recalling also its resolution 56/82 of 12 December 2001,

Noting that the International Law Commission at its fifty-eighth session completed the draft principles on allocation of loss in the case of transboundary harm arising out of hazardous activities and recommended to the General Assembly that it endorse the draft principles by a resolution and urge States to take national and international action to implement them,

Recalling its resolution 61/36 of 4 December 2006, the annex to which contains the text of the principles on allocation of loss in the case of transboundary harm arising out of hazardous activities,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to

in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the questions of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm are of major importance in the relations of States,

Taking into account the views and comments expressed in the Sixth Committee at its sixty-second session on the prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm,

¶11. Welcomes the conclusion of the work of the International Law Commission on prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm and its adoption of the respective draft articles and draft principles and commentaries on the subjects;

¶12. Expresses its appreciation to the International Law Commission for its continuing contribution to the codification and progressive development of international law;

¶13. Commends the articles on prevention of transboundary harm from hazardous activities, presented by the International Law Commission, the text of which is annexed to the present resolution, to the attention of Governments without prejudice to any future action as recommended by the International Law Commission regarding the articles;

¶14. Commends once again the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, presented by the International Law Commission, the text of which was annexed to its resolution 61/36 of 4 December 2006, to the attention of Governments

without prejudice to any future action as recommended by the International Law Commission regarding the articles;

¶15. Invites Governments to submit comments on any future action, in particular on the form of the respective articles and principles, bearing in mind the recommendations made by the International Law Commission in that regard, including in relation to the elaboration of a convention on the basis of the draft articles, as well as on any practice in relation to the application of the articles and principles;

¶16. Decides to include in the provisional agenda of its sixty-fifth session an item entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm".

Annex (Text to be inserted in accordance with OP3)

END TEXT.
Khalilzad